

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

XAVIER ORTIZ,

Plaintiff,

v.

E&E FOODS AND F/V BEAGLE, LLC,

Defendants.

Case No. 2:20-cv-01767-RSM

**STIPULATED MOTION AND  
ORDER FOR DISMISSAL OF  
INJURY CLAIM(S) WITH  
PREJUDICE and  
DISMISSAL OF FLSA CLAIMS  
WITHOUT PREJUDICE**

COME NOW the parties in this matter submit their stipulated motion for dismissal with prejudice relating to the plaintiff's alleged injury claim(s) in this matter. The parties have settled the plaintiff's injury claim(s) and now request that the injury claim portion of this case be dismissed with prejudice and without costs to the parties.

Plaintiff's FLSA claims are now being litigated in Gutierrez, et al. v. E&E Foods, Case No.: 2:21-cv-00682-RSM, and are dismissed herein without prejudice.

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1. Respectfully submitted on 6th day of December, 2021.

2. LAW OFFICES OF JOHN W. MERRIAM

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11. NORTHWEST JUSTICE PROJECT

12. BY /s/ Patrick Pleas  
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20. HOLMES WEDDLE & BARCOTT, P.C.

21. BY /s/ Michael A Barcott  
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29. **ORDER**

30. The Court having reviewed the parties' stipulated motion for dismissal with  
31. prejudice relating to the plaintiff's alleged injury claim(s), being advised that the injury

1. claim(s) have settled in this matter, and being advised of the status of the FLSA claims, it  
2. is,

3. ORDERED that the injury claim portion of the matter is dismissed with prejudice  
4. and without costs to the parties; and  
5.

6. ORDERED that the FLSA claims are dismissed without prejudice.

7. This case is CLOSED.

8.  
9. DATED this 13<sup>th</sup> day of December, 2021.  
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11.  
12. 

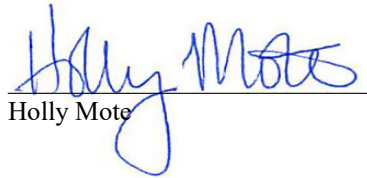
13. RICARDO S. MARTINEZ  
14. CHIEF UNITED STATES DISTRICT JUDGE  
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24.  
25.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day  
of December, 2021, a true and  
correct copy of the foregoing was sent via  
CM/ECF system to:

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Holly Mote

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